

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 71-11007

Priority: February 23, 2021

Maximum Diversion Rate: 0.80 CFS

This is to certify that

STATE OF IDAHO
FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

has applied for a permit to appropriate water from:

Source : CHAMPION CREEK

Tributary: SALMON RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

FISH PROPAGATION

Period of Use

05/01 to 10/31

Rate of Diversion

0.80 CFS

Location of Point(s) of Diversion

CHAMPION CREEK NW¼ NW¼, Sec. 23, Twp 08N, Rge 14E, B.M. CUSTER County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	23						X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2022**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.

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Department of Water Resources
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No. 71-11007

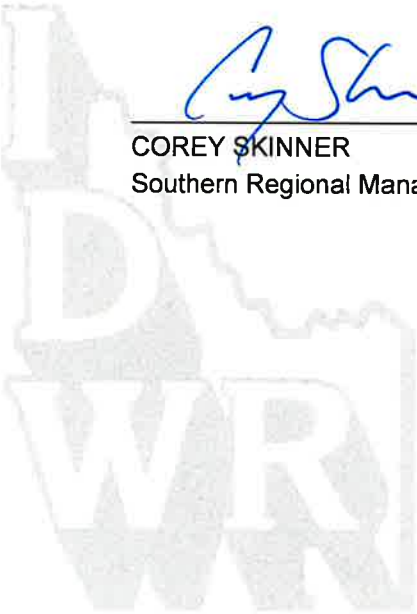
7. Fish propagation use is for fish protection through the installation of a screen and bypass pipe to provide passage for fish back to Champion Creek.
8. Use of water under this right shall be non-consumptive.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 26th day of August, 2021.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

71-11007

This map depicts the FISH PROPAGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

14E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2021

STATE OF IDAHO
FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Permit No. 71-11007

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner
Southern Regional Manager

Enclosure(s)

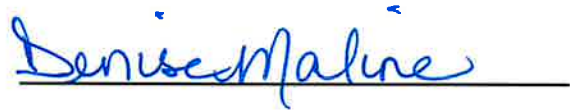
CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2021, I served a true and correct copy of Permit to Appropriate Water No. 71-11007 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO (Current Owner)
FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

STATE OF IDAHO (Representative)
DEPT OF FISH & GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

WATER DISTRICT #71
MORGAN V MILLER (Watermaster)
3594 HOTSPRINGS RD
CHALLIS ID 83226



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



PROOF OF PUBLICATION RECEIVED
The Challis Messenger

JUL 26 2021

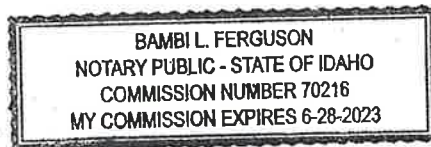
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Custer

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2, first publication having been made on 07/15/2021 last publication having been made on 07/22/2021, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, on this 22nd day of July, 2021



Notary Public
My commission expires:

attached jurat

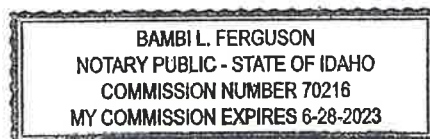
STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 22nd day of July, 2021 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ 8/2/2021

AD# 120044AD#

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

71-11007

STATE OF IDAHO

FISH AND GAME COMMISSION

PO BOX 25 BOISE, ID 83707-0025

Point of Diversion NWNW S23 T08N R14E CUSTER County

Source CHAMPION CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 12-22-2020

Place Of Use: FISH PROPAGATION

T08N R14E S23 NWNW

Application for permit proposes diversion of 0.80 cfs from Champion Creek for use at a fish screen / bypass located approximately 14.0 miles south and 6.8 miles east of Stanley. This application proposes the diversion and use of water from Champion Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Southern office at (208)736-3033; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 2, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published: July 15, 22, 2021. (12622-AD120044)



✓ DM 8/2/2021



Maline, Denise

From: Visosky, Steven
Sent: Friday, July 9, 2021 4:01 PM
To: Maline, Denise; Bitzenburg, James
Cc: Whitney, Rob
Subject: RE: Comment Letter for 71-11007

Maline,

Thanks for the opportunity to review the application.

As a non-consumptive application to record an existing fish screen, I see no reason to object.

Steve Visosky

From: Maline, Denise
Sent: Wednesday, July 7, 2021 5:13 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Subject: Comment Letter for 71-11007

Rob & Steve,

Attached is an application for permit within WD170, currently being processed by the department. Please review the application and provide any necessary comments within 21 days. Comments have also been solicited from WD71.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



THE JEFFERSON
STAR

THE CHALLIS
Messenger

ADVERTISING RECEIPT

PO Box 1800,
Idaho Falls, ID 83401
Ph. (208) 683-8169 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO:
07/08/21	12622

Denise Maline
IDWR SOUTHERN REGION
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
120044	71-11007	07/15/21	07/22/21	2	\$110.45

✓ *bm 7-8-2021*

*Proof of legal notice received
from Challis Messenger 7/8/2021 (2 pgs)*

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: **\$110.45**
Paid Amount: **\$0.00**

Amount Due: \$110.45

We Appreciate Your Business!

AD# 120044AD#

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GARY SPACKMAN, Director

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✓ dm 7-8-2021